

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN FLYNN,

Plaintiff,

v.

COUNTY OF TUOLUMNE *et al.*,

Defendants.

Case No. 2:24-cv-2265-DJC-JDP (PS)

ORDER


Plaintiff, proceeding pro, brings this § 1983 action and concurrently has applied to proceed *in forma pauperis*, ECF No. 2. I have reviewed his *in forma pauperis* applications, and it appears that he has sufficient funds to cover the filing fee. His applications indicates that he has a take-home pay of \$1,740 monthly, receives \$1,481 monthly in social security disability benefits, receives monthly \$3,108 from his pension monthly, and has \$9,300 in his checking account—which seems to be more than enough to pay the \$405 filing fee. *Id.* But before recommending that plaintiff's application be denied, I will give him an opportunity to respond to this order and to explain why he cannot both pay the filing fee and still afford his necessities. *See Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) (“An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life.”).

Accordingly, it is ORDERED that within twenty-one days of this order's entry plaintiff

1 may respond to this order and explain why he should still be allowed to proceed *in forma*  
2 *pauperis*. If he fails to do so, I will recommend that plaintiff's application be denied, and he be  
3 directed to pay the full filing fee.

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5 IT IS SO ORDERED.

6 Dated: November 13, 2024

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8 JEREMY D. PETERSON  
9 UNITED STATES MAGISTRATE JUDGE  
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